

JURY PLAN
FOR THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

(Amended 2/22/13)

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UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF LOUISIANA

PLAN FOR THE SELECTION OF GRAND AND PETIT
JURORS IN ALL DIVISIONS OF THE WESTERN
DISTRICT OF LOUISIANA, ADOPTED PURSUANT TO
THE JURY SELECTION AND SERVICE ACT OF
1968, SECTION 1861, ET SEQ., TITLE 28,
UNITED STATES CODE.

1. PURPOSE. It shall be the purpose of this plan to implement the policy of the United States, as expressed by Congress, and approved by the President, in Section 1861, Title 28, United States Code, to the effect that:
 - (1) all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross-section of the community in the district or division wherein the court convenes,
 - (2) all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and
 - (3) all citizens shall have an obligation to serve as jurors when summoned for that purpose, and it is further the purpose of this plan to implement the prohibition against discrimination contained in Section 1862, Title 28, United States Code, which provides that no citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.
 - (4) Pursuant to 28 United States Code 1861, all litigants "have the right to grand and petit jurors selected at random from a fair cross section of the community." The court uses a two-step process to select jurors. First, a master jury wheel is created by selecting names at random from the registrar of voters. Then,

names are randomly drawn periodically from the master jury wheel to receive juror qualification questionnaires. Individuals' answers to these questionnaires determine whether they are legally qualified to serve. If so, the names of those persons are put on a second wheel, a qualified jury wheel. As prospective jurors are needed for a specific trial or grand jury, juror summonses are sent to persons randomly selected from the qualified wheel. All of these selections are carried out through a properly programmed electronic data processing system for pure randomized selection. The pure randomized process ensures that the mathematical odds of any single name being picked are substantially equal.

2. STATUTORY PROVISIONS INCORPORATED HEREIN. There are incorporated herein, by reference, all provisions of Chapter 121, Sections 1861, et seq., Title 28, United States Code, and all amendments thereto, and any other laws which may hereafter be enacted relating to juries and trial by jury.
3. MANAGEMENT AND SUPERVISION OF JURY SELECTION. The Clerk of Court shall manage the jury selection process, under supervision and control of the Chief Judge.
4. MASTER JURY WHEEL.
 - (1) SOURCES OF NAMES. The names for the master jury wheel in each division shall be selected, at random, from the voter registration lists of each parish in the division.
 - (2) NUMBER OF NAMES. The total number of names for each master jury wheel shall be determined by the Court, but shall not be less than one-half of one per centum of the total number of persons on the voter registration lists in each division, and not less than 1,000 in each division. The number of names selected from each parish shall be in the same ratio to the total

number of names to be selected as the number of registered voters in that parish bears to the total number of registered voters in the division.

- (3) METHOD OF SELECTION. (a) The Clerk shall assemble each parish voter registration list, according to the arithmetical figures hereinafter specified, alphabetically or by precinct. Then, taking a first name as hereinafter specified, shall proceed by a constant arithmetical progression, through each parish or precinct list to obtain, as nearly as possible, the predetermined number of names, as hereinafter set forth. To obtain the first names on each parish list, a group of numbers equal to the arithmetical progression to be utilized shall be placed in a container and mixed. A number shall then be drawn by the Clerk, at random, which, counting from the first name on the list, will designate the first name to be taken. Thereafter, the arithmetical progression shall proceed from the first name taken on through the list. For example, if one percent of the total number of registered voters in a division are to be selected, each 100th name would be selected from each parish in the division. One hundred numbers would be placed in a container and mixed. A number would be drawn at random. If that number is 65, the first name to be taken from each parish or precinct list would be the 65th name. Then, counting from the 65th name, each 100th name would thereafter be taken. The arithmetical figure of progression to be used in each of the divisions of this District, based upon present numbers on the voting lists of the various parishes in each division, shall be as follows:

Alexandria	10
Lake Charles	10
Monroe	10

Lafayette	10
Shreveport	10

Or, at the clerk's option, and after consultation with the court, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through routines approved by the National Institute of Standards and Technology (NIST). Similarly, at the option of the clerk and after consultation with the court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of determining qualification for jury service, and from the qualified wheel for summoning persons to serve as grand or petit jurors. Such random selections of names from the source lists for inclusion in the master wheel by data computer personnel must insure that each parish within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 United States Code, Section 1863(b)(3). The selections of names from the source list, the master wheel and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal.

(b) DIVISIONS. For jury selection purposes under 28 United States Code, Section 1869(e), the following divisions containing the following parishes are established:

ALEXANDRIA DIVISION consisting of the parishes of Avoyelles, Catahoula, Concordia, Grant, La Salle, Natchitoches, Rapides and Winn, Court for Alexandria Division shall be held in Alexandria, Louisiana.

LAKE CHARLES DIVISION consisting of the parishes

of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis and Vernon.

Court for the Lake Charles Division shall be held in Lake Charles, Louisiana.

MONROE DIVISION consisting of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union and West Carroll.

Court for the Monroe Division shall be held in Monroe, Louisiana.

LAFAYETTE DIVISION consisting of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion.

Court for the Lafayette Division shall be held in Lafayette, Louisiana.

SHREVEPORT DIVISION consisting of the parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, Sabine and Webster.

Court for the Shreveport Division shall be held in Shreveport, Louisiana.

(c) A list of the required number of names may be obtained by the Clerk from the Parish Registrar of Voters, or official custodian of the voter registration list in any parish, certified by such custodian to be a list selected at random as provided in paragraph 4(3)(a); and from lists maintained by Federal Registrars, as required and permitted by law.

(d) All provisions of this Plan shall be supervised by the Chief Judge, or acting Chief Judge of this Court. This Plan is based on the conclusion and judgment that the policy, purpose, and intent of the Jury Selection and Service Act of 1968 will be fully accomplished and implemented by the use of voter registration list as supplemented by the inclusion of subsequent registrants to the latest practicable date, as the source of an

at-random selection of prospective grand and petit jurors to represent a fair cross-section of the community. This determination is supported by all of the information this Court has been able to obtain after diligent effort on its part and after full consultation with the Fifth Circuit Jury Working Committee and the Judicial Council of the Fifth Circuit.

- (4) PERIODIC REPORTS OF JURY WHEEL CONSTITUENCY. As required by the Judicial Conference of the United States, within six (6) months of refilling jury wheels, the Clerk shall take statistical samplings of the jury wheels to determine numbers and proportions of persons by racial and sex classifications, using the forms and procedures prescribed. Within three (3) months of completion of the statistical samplings, the Clerk shall make a comparison of these figures against general populations data taken from Census Bureau records. The statistical sampling and comparison data shall be made available to the Court and retained by the Clerk as one of the jury wheel records.

SIZE OF DIVISION	SIZE OF SAMPLE TO BE DRAWN
1,000 - 1,499	278
1,500 - 2,499	322
2,500 - 3,499	341
3,500 - 4,499	350
4,500 PLUS	500

- (5) MASTER JURY WHEEL LIST. The Clerk is required to have the capability to prepare an alphabetical list of names contained within the master jury wheel upon request of the Court.
- (6) All names selected shall then be placed in the master jury wheel.
5. QUALIFIED JURY WHEEL.
- (1) DRAWING FROM MASTER JURY WHEEL FOR QUALIFIED JURY WHEEL. From time to time, as directed by the Court, the

Clerk shall draw names from the master jury wheel, at random, in such numbers as the Court shall specify. The Clerk shall post a general notice for public review in the clerk's office and on the courts website explaining the process by which names are periodically and randomly chosen pursuant to 28 U.S.C. 1861. An alphabetical list of the names so drawn shall be prepared, but shall not be disclosed, except on order of the Court or as required by Sections 1867 and 1868 of Title 28, United States Code.

- (2) JUROR QUALIFICATION FORMS. The Clerk shall mail to every person whose name is drawn pursuant to subparagraph (1) hereinabove, such juror qualification form as may be prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States.
- (3) FINDINGS OF THE COURTS. The Court, on its own initiative or upon recommendation of the Clerk, shall determine solely on the basis of information provided on the juror qualification form, and any other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service. The Clerk shall enter such determination in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. The names of persons drawn from the master jury wheel who are determined to be qualified as jurors and not exempt or excused pursuant to this Plan shall be placed in the qualified jury wheel by the Clerk.
- (4) QUALIFIED JURY WHEEL. The Clerk shall maintain separate qualified jury wheels for each division and shall place in such wheels the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused pursuant to this Plan. He shall insure that at all times at least 300 names are

contained in each such wheel. Names drawn from the qualified jury wheel in both civil and criminal cases shall be disclosed at the discretion of a duly qualified judge of the district. The qualified jury wheel shall be emptied and refilled every four (4) years between October 1 and March 31.

6. QUALIFICATIONS FOR JURY SERVICE. All persons shall be deemed qualified to serve on grand and petit juries in this District, unless he:
- (1) is not a citizen of the United States, eighteen years old, who has resided for a period of one year within the judicial district or division;
 - (2) is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
 - (3) is unable to speak the English language;
 - (4) is incapable, by reason of mental or physical infirmity to render satisfactory jury service; or
 - (5) has a charge pending against him for the commission of or has been convicted in a State or Federal Court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored.

Notice of persons who identify themselves as non-citizens through the juror qualification process will be provided to appropriate election officials for verifying voter registration eligibility pursuant to 28 U.S.C. 1865(b).

7. STATUTORY EXEMPTIONS. The Court finds that exemption of the following groups of occupational classes of persons is in the public interest, and would not be inconsistent with the provisions of Sections 1861 and 1862 of Title 28, United States Code. Pursuant to Section 1863(6) of Title 28, United States Code, such persons shall be barred from jury service on the ground that they are exempt, and their names shall not be placed in the qualified jury wheel.

- (1) Members in active service in the Armed Forces of the United States,
 - (2) Members of the fire or police departments of any State, district, territory, possession, or subdivision thereof, or
 - (3) Public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties.
8. EXCUSES ON INDIVIDUAL REQUESTS. Pursuant to paragraphs (b) (5) of Section 1863, Title 28, United States Code, and by the adoption of this Plan, it is hereby found that jury service by the following groups of persons and occupational classes of persons would entail undue hardship or extreme inconvenience to the members thereof and that excuse from jury service of the members thereof on request would not be inconsistent with Sections 1861 and 1862 of Title 28, United States Code.
- (1) Persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons.
 - (2) Persons over 70 years of age at the time of completion of the juror qualification form.
 - (3) Volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency of any State, district, territory, possession, or subdivision thereof.
9. SUMMONING OF JURORS. From time to time, as directed by the Court, the Clerk publicly shall draw, at random, from the qualified jury wheel or wheels, the names of persons required for grand and petit jury service. The Clerk shall

post a general notice for public review in the clerk's office and on the court's website explaining the process by which means names are periodically and randomly drawn. The Clerk shall issue summonses for the required number of jurors. Each person drawn for jury service may be served personally, or by registered, certified, or first-class mail addressed to such person at his usual residence or business address. If such service is made personally, the summons shall be delivered by the clerk or their duly designated deputies to the marshal who shall make such service. If such service is made by mail, the summons may be served by the marshal or by the clerk, who shall make affidavit of service and shall attach thereto any receipt from the addressee for a registered or certified summons. A list shall be prepared of such persons in the order in which they were drawn from the qualified jury wheel or wheels. Thereafter, they shall be assigned to grand and petit jury panels in the order in which they are drawn from the qualified jury wheel or wheels for each division or divisions as nearly as may be practical.

(a) DISTRICT-WIDE PETIT JURIES. Upon good cause having been shown by either party or on the court's determination sua sponte that a petit jury panel should be drawn on a district-wide basis and the court finding that a district-wide jury is preferred due to notoriety of the offenses or parties involved or for other reasons; the court may direct the clerk to draw a petit jury panel on a district-wide basis, instead of a division jury panel. If a district-wide jury panel is required, the clerk shall draw a pro rata, or approximately pro rata, number of names at random from the qualified jury wheels or each division in the district, and the names so drawn shall be pooled and shall constitute the petit jurors to report for duty.

10. FURTHER EXCUSES AND EXCLUSIONS AFTER SUMMONS. Except as

provided in paragraphs 6, 7 and 8 hereinabove, no person or class of persons shall be disqualified, excluded, excused or exempt from service as jurors; PROVIDED, that any persons summoned for jury service may be:

- (1) Excused by the Clerk of the Court, upon a showing of undue hardship or extreme inconvenience, for such period as the Court deems necessary.

The names of those jurors who have been excused from a panel for hardship or extreme inconvenience reasons will be put back in the qualified jury wheel where they will be subject to subsequent random selection. The Court may order that the name of a juror so excused be included in the next jury panel called after the period of hardship or extreme inconvenience has terminated. The grand jury panel will be selected only from names drawn from the qualified jury wheel on order of a district judge. The names of those jurors excused from the grand jury for hardship or extreme inconvenience reasons will be placed in the qualified jury wheel. When there is an excess of jurors present (e.g. grand jury) and their presence is required for only one day, the Court in its discretion shall, upon excusing the excess jurors, inform them that their names will be placed back in the qualified jury wheel, subject to subsequent random selections;

- (2) Excluded by the Court on the ground that such person may be unable to render impartial jury service or that his service as a juror would be likely to disrupt the proceedings;
- (3) Excluded upon peremptory challenge as provided by law;
- (4) Excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or
- (5) Excluded upon determination by the Court that his service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely

affect the integrity of jury deliberations.

No person shall be excluded under Clause (5) above unless the judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with Sections 1861 and 1862 of Title 28, United States Code. The number of person excluded under Clause (5) above shall not exceed one per centum of the number of persons who return executed juror qualification forms during the period, specified in the Plan, between two consecutive fillings of the master jury wheel. The names of persons excluded under Clause (5) above, together with detailed explanations for the exclusions, shall be forwarded immediately to the judicial council of the circuit, which shall have the power to make any appropriate order, prospective or retroactive, to redress any misapplication of Clause (5), but otherwise exclusions effectuated under such clause shall not be subject to challenge under the provisions of Title 28, United States Code. Any persons excluded from a particular jury under Clause (2), (3) or (4) above shall be eligible to sit on another jury if the basis for his initial exclusions would not be relevant to his ability to serve on such other jury.

11. NOTATION OF CLERK. Whenever a person is disqualified, excused, exempt or excluded from jury service, the clerk shall note in the space provided on his juror qualification form or it shall be recorded by electronic means.
12. LIMITATION ON JURY SERVICE. In any two-year period, no person shall be required to:
 - (1) serve or attend court for prospective service as a petit juror for a total of more than thirty (30) days, except when necessary to complete service in a particular case; or
 - (2) serve on more than one grand jury; or
 - (3) serve as both a grand and petit juror.
13. SELECTION OF JURORS IN CASES OF UNANTICIPATED SHORTAGE.

Upon the occurrence of any unanticipated shortage of available petit jurors drawn from any qualified jury wheel or wheels, the judge before whom a case is pending requiring additional jurors may by order of the Court, written or verbal, require the Marshal to summon a sufficient number of additional petit jurors selected at random from the qualified jury wheel or wheels in a manner fixed by order of the Court from the division or divisions in which court is held consistent with Sections 1861 and 1862 of Title 28, United States Code. Notice of this summons may be given by telephone, telegram, or otherwise provided by law. Any unanticipated shortage of petit jurors can be supplied only by drawing from the qualified jury wheel or wheels for the entire division or divisions. Grand juries shall consider only cases triable in the division or divisions from which the grand jurors are drawn; provided, however, the Chief Judge, or acting Chief Judge of the District may by written order duly filed with the Clerk authorize a grand jury drawn from all five divisions' qualified juror wheels on a substantially proportionate basis to serve district-wide.

14. FAILURE TO APPEAR AS SUMMONED. Any person summoned for jury service who fails to appear as directed may be ordered by the district court to appear forthwith and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$1000 or imprisoned not more than three days, ordered to perform community service, or any combination thereof.
15. CHALLENGING COMPLIANCE WITH SELECTION PROCEDURE. In civil cases and in criminal cases, the exclusive method of challenging any jury on the ground that such jury was not selected in conformity with the provisions of Chapter 121 of Title 28, United States Code, shall be that provided by Section 1867, Title 28, United States Code.
16. REFILLING OF MASTER JURY WHEELS. The Master Jury Wheel in

each division shall be emptied and refilled every four (4) years between October 1st and March 31st.

17. MAINTENANCE OF RECORDS. The Court hereby adopts as a part of this Plan, the following provisions of Title 28, United States Code, Section 1868:

"After the master jury wheel is emptied and refilled pursuant to Section 1863(b)(4) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the jury commission or Clerk before the master wheel was emptied shall be preserved in the custody of the Clerk for four years or for such longer period as may be ordered by a court, and shall be available for public inspection for the purposes of determining the validity of the selection of any jury."

18. ELECTRONIC DATA PROCESSING METHODS. The Court finds that the use of electronic data processing equipment and methods in jury administration can be advantageous in selecting and copying names for the Master Jury Wheel from voter registration lists in parishes that maintain such lists in machine-readable forms such as punched cards, magnetic tapes, or magnetic discs; and that it may be advantageous to employ a combination of manual and electronic methods in selecting names from lists in those parishes maintaining voter registration in written or printed form, whereby the names initially selected manually are recorded on punched cards or tapes for subsequent processing by electronic data processing equipment. Therefore, a properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods may, at the Clerk's option and after consultation with the Chief Judge, be used to:

- (1) select names for the Master Jury Wheel from voter registration lists of any or all parishes in the

District, provided that the required portions of names for each parish are maintained and that the above-described ratio number or quotient and starting number formula is followed;

- (2) select and copy names from the Master Jury Wheel of persons to whom juror qualification questionnaires are to be sent, address and mail such questionnaires, and perform other related clerical tasks;
- (3) establish and maintain a Qualified Jury Wheel, containing at all times an adequate number of names of jurors required for assignment to panels for service as needed by the Court and, at the option of the clerk, prepare and mail completed juror summons forms to prospective jurors; and
- (4) prepare such papers, records and statistical analyses and report as may be required in the administration of the jury system.

In the use of electronic data processing equipment in the performance of any task in the administration of this jury selection and service plan, the data processing system shall be so programmed as to insure a random selection of the required number of names from the entire source list, employing the starting number and ratio number or quotient formula described herein so that any group of names chosen will represent all segments of the source file from which they are drawn; and the mathematical odds of any individual names being selected are substantially equal. If the names, or numbers corresponding to names, in a Master or Qualified Jury Wheel are arranged by computer in an unbiased, random order using an electronically computed random number generator, selection from such randomized list in the order in which the names (or numbers) appear on that list shall be acceptable as meeting the test of randomness and representativeness set out above.

19. EFFECTIVE DATE. This Plan shall be effective on approval

by the reviewing panel as provided in paragraph (a) of Section 1863, Title 28, United States Code, and not later than December 22, 1968, and shall remain in force and effect until approval of one or more modifications of the Plan by said reviewing panel. Modification of this Plan may be initiated by the Court and submitted to the reviewing panel for approval, and the Plan shall be modified as and when directed by the reviewing panel.

20. CHALLENGING COMPLIANCE WITH SELECTION PROCEDURES. The Court hereby adopts, and includes herein, the provisions of Title 28, United States Code, Section 1867(a), (b) and (c), reading as follows:

- (a) In criminal cases, before the voir dire examination begins, or within seven days after the defendant discovered or could have discovered, by the exercise of diligence, the grounds therefore, whichever is earlier, the defendant may move to dismiss the indictment or stay the proceedings against him on the grounds of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.
- (b) In criminal cases, before the voir dire examination begins, or within seven days after the Attorney General of the United States discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the Attorney General may move to dismiss the indictment or stay the proceedings on the grounds of substantial failure to comply with the provisions of this title in selecting the grand and petit jury.
- (c) In civil cases, before the voir dire examination begins, or within seven days after the party discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, any party may have to stay the proceedings on the grounds of

substantial failure to comply with the provisions of this title in selecting the petit jury.

21. DEFINITIONS.

- (1) "Clerk" and "Clerk of the Court" shall mean the Clerk of the United States District Court for the Western District of Louisiana, any authorized deputy clerk, and any other person authorized by the court to assist the clerk in the performance of it's functions.
- (2) "Chief Judge" shall mean the Chief Judge of the United States District Court for the Western District of Louisiana.
- (3) "Voter registration lists" shall mean the official records maintained by the state or local officials of all persons registered to vote in the most recent Federal general election; or those registered to vote by Federal Registrars, as provided by law.
- (4) "Division" shall mean one of the divisions in the Western District of Louisiana as set forth in Section 4 of this Plan.
- (5) The use of the word "Court" in this order shall contemplate the Chief Judge or any judge assigned to a particular division or who is assigned by order duly filed in such division or divisions. The phrase "Chief Judge of this District" wherever used in this Plan shall mean the Chief Judge of this District, or in his absence, disability, or inability to act, the senior active District Court Judge who is present in the District and has been in service the greatest length of time, and who has not served as Chief Judge theretofore. Wherever the Jury Selection and Service Act of 1968 requires or authorizes the Plan to designate a district court judge to act instead of the Chief Judge, the above definition shall apply and such active District Court Judge above mentioned is hereby designated to act.

- (6) "Jury Wheel" shall include any device or system similar in purpose or function, such as a properly programmed electronic data processing system or device, or any documents similar in purpose and function to a jury wheel.
- (7) "Juror qualification form" shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, in accordance with paragraph (h) of Section 1869 of Title 28, United States Code.
- (8) "Panel" shall mean the reviewing panel consisting of the members of the judicial council of the Fifth Circuit and the Chief Judge, or acting Chief Judge, of the United States District Court for the Western District of Louisiana.

22. This Plan shall become effective in this District as provided by law.